IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 25793 of 2007(U)

PETITIONER:

SHAFEEK.K., AGED 37 YEARS,
S/O. KASIM RAWTHER, KOOTTAM VETTIYIL,
POOZHIKKADU MURI,KURAMPALA VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SAJJU.S

RESPONDENTS:

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1. THE SECRETARY,PANDALAM GRAMA PANCHAYAT,
PANDALAM.

2. THE DISTRICT TOWN PLANNER,
PATHANAMTHITTA DISTRICT,PATHANAMTHITTA,

3. THE DEPUTY DIRECTOR OF PANCHAYAT,
PATHANAMTHITTA.

4. P.K.JOLY, VALLIYAPANACKAL,
MANGARAM MURI,PANDALAM.

R1 BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
R4 ADV.SRI.V.PHILIP MATHEW
SRI.E.RADHAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.25793/07

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF AD INTERIM INJUNCTION ORDER DT.13.7.05 OF ADOOR MUNSIFF'S COURT IN O.S.213/05

EXT.P2 – TRUE COPY OF REPRESENTATION DT.21.5.07 SUBMITTED BY PETR. TO R1.

EXT.P3 – TRUE COPY OF DO. DT.19.7.07 SUBMITTED BY PETR. TO R2.

EXT.P4 – TRUE COPY OF DO. DT.23.7.07 SUBMITTED BY PETR. TO R3.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.25793 OF 2007

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DATED THIS THE 15TH OCTOBER, 2007

J U D G M E N T

Though a counter affidavit has been filed by the Panchayat contending that the construction which is being undertaken by the 4th respondent is not illegal, counsel for the petitioner submits that the Panchayat is actually colluding with the 4th respondent.

2. I do not propose to examine the merits of the matter or the genuineness of the petitioner's grievance. Ext.P4 representation has been submitted by the petitioner before the 3rd respondent-Deputy Director of Panchayats. The 3rd respondent will take up Ext.P4, call for a report from the 2nd respondent, hear the petitioner and the 4th respondent, consider the counter affidavit filed by the 1st respondent-Panchayat before this Court and take a final decision on Ext.P4 at the earliest and at any rate within six weeks of receiving copy of this judgment. The 4th respondent is reminded in the meanwhile that the constructions which are being undertaken by him will be at his risk and subject to any decision which may be taken by the 3rd respondent pursuant to the above directions.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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